IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael D. Kluetz et al. Art Unit : 1609
Serial No. : 10/775,933 Examiner : Mei Ping Chui
Filed : February 10, 2004
Title : PARTICULATE PLANT STEROL COMPOSITIONS

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF MICHAEL D. KLUETZ UNDER 37 C.F.R. §1.132

I, Michael D. Kluetz, hereby declare:

1. That I am an inventor of the claims in the above-captioned patent application.

2. That the attached printout is the results of a sample tested using a Horiba LA-910 Analyzer.

3. That the sample is material as claimed in U.S. Application Serial Number 10/775,933, and prepared according to processes described in Application 10/775,933, and is reported as sample CG-522 in Table I.

4. That the date on the printout, which has been blocked out, is prior to February 10, 2004.

5. That I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Dated: 22 October 2007

Michael D. Kluetz

HORIBA LA-910

for Windows(TM) Ver. 1.31

Laser scattering particle size distribution analyzer

PARTICLE SIZE MEASUREMENT DATA

ID# : 20030610-031 10:55
Filename : CG522L2
Sample : cg522L
Material : sterol

Source :
Lot Numbe :
Test Numb : 1
Instrument :

Condition
T%(He-Ne): 80.1%
(LAMP): 78.2%
Agitation : 3

Dist.Form : Std.
R.R.Index : 1.12-0.00i
Circulation : 3

Sampling times : 10 ( )
Ultrasonic : ON(60)

Format
Dist.base : Volume
Scaling : Auto
Axis : LogX - LinearY

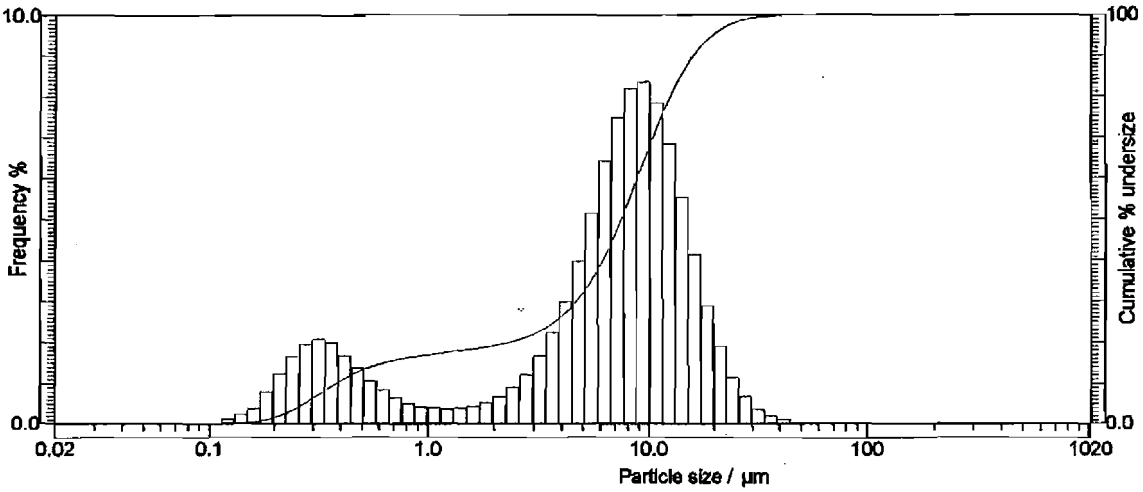
Data
Median : 7.436µm
Mode : 9.409µm
C.V. : 76.39%

SP.Area : 39644cm²/cm³
Mean : 8.089µm
Span : (D 10.0-D 90.0) / D50 = 2.086

S.D. : 6.179µm

Dia. on %(10.0%) :
Dia. on %(20.0%) :
Dia. on %(30.0%) :
Dia. on %(80.0%) :
Dia. on %(90.0%) :

% on Dia.(2.000µm) : 19.2%
% on Dia.(35.000µm) : 99.7%
% on Dia.(10.000µm) :
% on Dia.(100.000µm) :
% on Dia.(200.000µm) :



Size(µm)	Freq(%)	Und(%)	Size(µm)	Freq(%)	Und(%)	Size(µm)	Freq(%)	Und(%)
1019.5	0.00	100.00	26.11	1.15	98.66	0.669	0.84	15.42
890.1	0.00	100.00	22.80	1.89	97.51	0.584	1.07	14.58
777.1	0.00	100.00	19.90	2.89	95.62	0.510	1.36	13.51
678.5	0.00	100.00	17.38	4.14	92.73	0.445	1.67	12.15
592.4	0.00	100.00	15.17	5.52	88.60	0.389	1.98	10.48
517.2	0.00	100.00	13.25	6.83	83.08	0.339	2.07	8.49
451.6	0.00	100.00	11.56	7.84	76.25	0.296	1.95	6.42
394.2	0.00	100.00	10.10	8.34	68.41	0.259	1.66	4.47
344.2	0.00	100.00	8.816	8.18	60.07	0.226	1.24	2.82
300.5	0.00	100.00	7.697	7.48	51.90	0.197	0.80	1.58
262.4	0.00	100.00	6.720	6.41	44.42	0.172	0.40	0.78
229.1	0.00	100.00	5.867	5.14	38.00	0.150	0.25	0.37
200.0	0.00	100.00	5.122	3.99	32.86	0.131	0.12	0.12
174.6	0.00	100.00	4.472	2.99	28.87	0.115	0.00	0.00
152.5	0.00	100.00	3.905	2.24	25.88	0.100	0.00	0.00
133.1	0.00	100.00	3.409	1.66	23.64	0.087	0.00	0.00
116.2	0.00	100.00	2.976	1.21	21.97	0.076	0.00	0.00
101.5	0.00	100.00	2.599	0.90	20.77	0.067	0.00	0.00
88.58	0.00	100.00	2.269	0.68	19.86	0.058	0.00	0.00
77.34	0.00	100.00	1.981	0.53	19.19	0.051	0.00	0.00
67.52	0.00	100.00	1.729	0.44	18.66	0.044	0.00	0.00
58.95	0.00	100.00	1.510	0.40	18.21	0.039	0.00	0.00
51.47	0.00	100.00	1.318	0.39	17.82	0.034	0.00	0.00
44.94	0.11	100.00	1.151	0.41	17.43	0.029	0.00	0.00
39.23	0.20	99.89	1.005	0.43	17.01	0.026	0.00	0.00
34.25	0.36	99.69	0.877	0.51	16.58	0.022	0.00	0.00
29.91	0.67	99.33	0.766	0.65	16.07			

HORIBA LA-910

for Windows(TM) Ver. 1.31

[redacted]

Laser scattering particle size distribution analyzer

PARTICLE SIZE MEASUREMENT DATA

ID# : 20030610-031 10:55
Filename : CG522L2
Sample : cg522L
Material : sterol
Source :
Lot Number :
Test Number : 1
Instrument ID :
Preparation :
Disp. Medium :
Disp. Steps :
Verification :

Condition
T%(He-Ne): 80.1% Dist.Form : Std. Sampling times : 10
(LAMP): 78.2% R.R.Index : 1.12-0.00i ( )
Agitation : 3 Circulation : 3 Ultrasonic : ON(60)

Format
Dist.base : Volume Scaling : Auto Axis : LogX - LinearY

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300.5	0.00	100.00	7.697	7.48	51.90	0.197	0.80	1.58
262.4	0.00	100.00	6.720	6.41	44.42	0.172	0.40	0.78
229.1	0.00	100.00	5.867	5.14	38.00	0.150	0.25	0.37
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